

REMARKS

Claims 1 to 6 are pending. Claims 1 to 6 are rejected. Claims 1 and 4 are amended. No new matter is added.

Drawing Objections

Applicants submit herewith two (2) replacement sheets of drawings. Entry of the replacement sheets of drawings in the file is requested. On page 2 of the Office Action, the drawings are objected to under 37 CFR 1.83(a) on the grounds that the feature “the position of the center and at least two linear edges thereof” in claim 1 is allegedly not shown. Applicants hereby submit that the center 49 and at least two linear edges 51 and 53 is shown in the two replacement sheets of drawings. The above-mentioned features are clearly shown in Figure 3.

35 U.S.C. 112, Second Paragraph Rejections

Claims 1 and 4 are rejected under 35 U.S.C. 112, second paragraph, on the grounds that the claims are allegedly indefinite and have grammatical and idiomatic errors. Applicants submit that the claims as amended obviate the rejection. For example, as suggested by the examiner, applicants have changed the phrase “deflecting and optical radiation beam” to “deflecting the optical radiation beam”.

Accordingly, applicants respectfully request reconsideration and withdrawal of the rejection.

35 U.S.C. 101 Rejections

Claims 1 to 6 are rejected under 35 U.S.C. 101 on the grounds that the claims are allegedly directed to nonstatutory subject matter. Applicants submit that the claims as amended obviate the rejection. For example, in the Office Action it is stated that the claims appear useful and concrete but that there does not appear to be a tangible result. Applicants submit that the claims as amended do achieve a tangible result. The claims as amended are directed to a method

of determining the position of fixing marks in a method for positioning a measuring device which emits and receives optical radiation to measure wear in the lining of a container.

Accordingly, applicants respectfully request reconsideration and withdrawal of the rejection.

35 U.S.C. 102 Rejections

Claims 1 and 4 to 6 are rejected under 35 U.S.C. 102 as allegedly being anticipated by U.S. Patent 5,570,185 to Jokinen. Applicants respectfully traverse the rejection of the claims. Applicants take note that although claims 1 to 6 are rejected by U.S. Patent 5,570,180 on page 6 of the Office Action, applicants have prepared this response on the basis that the examiner intended to rely on U.S. Patent 5,570,185.

The Office Action states that the '185 U.S. patent to Jokinen teaches the features of claims 1 and 4 to 6. Applicants submit that the '185 patent does not teach the step of: deflecting the optical radiation beam across a first fixing mark in first and second intersecting directions and determining the position of the center and least two linear edges thereof and creating a first temporary coordinate system based on the position of the center and the directions of the at least two edges thereof. In applicants claimed invention, the first temporary coordinate system is based on the position of the center and the directions of the at least two linear edges of the fixing mark.

Therefore, as at least one claimed feature of the invention is not present in the cited patent, applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. 102 rejection of the claims.

35 U.S.C. 103 Rejections

Claims 2 and 3 are rejected under 35 U.S.C. 103 as allegedly being obvious over U.S. Patent 5,570,185 to Jokinen. Applicants respectfully traverse the rejection of the claims.

In the Office Action it is stated that it would have been obvious to one of ordinary skill in the art to arrive at the present invention of claims 2 and 3 based on the teaching of Jokinen. Applicants note that in the 35 U.S.C. 103 rejection on page 8 and 9 it stated that would have been obvious to have a first fixing mark which is rectangular in shape and to have the first fixing mark larger in size than the second and third marks.

Applicants submit that the obviousness statement set forth in the Office Action with respect to the rectangular mark and larger mark of claims 2 and 3 does not provide what is described above as being missing from the Jokinen patent in the 35 U.S.C. 102 rejection.

Therefore, applicants submit that claims 2 and 3 are not obvious over the cited reference. and applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. 103 rejection of the claims.

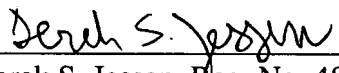
Conclusion

In view of the foregoing amendments and remarks, Applicant submits that this application is in condition for allowance. Early notification to that effect is respectfully requested.

The Assistant Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account **13-3639**.

Respectfully submitted,

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